

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROOT, INC., *et al.*

Plaintiffs,

Case No. 2:23-cv-00512

vs.

Judge Sarah D. Morrison

BRINSON CALEB SILVER, *et al.*,

Magistrate Judge Elizabeth Preston Deavers

Defendants.

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

Attorneys Matthew L. Jalandoni, W. Benjamin Reese, and the law firm of Flannery Georgalis, LLC, move for leave to withdraw as counsel of record for Defendants Brinson Caleb Silver, Collateral Damage, LLC, and Eclipse Home Design, LLC (collectively, “Silver Defendants”), pursuant to Local Rule 83.4(b) and Prof. Cond. Rule 1.16(b). Counsel submits that professional considerations require termination of their representation of Silver Defendants. In support of this request, counsel states that:

1. On May 12, 2023, the Court granted Silver Defendants’ prior counsel’s motion to withdraw from representation and directed Mr. Silver to obtain representation for Eclipse Home Design and Collateral Damage. (ECF No. 96.) On May 26, 2023, Mr. Silver announced his intention of engaging Flannery Georgalis, LLC as counsel on behalf of Silver Defendants. (ECF No. 109.)

2. On May 26, 2023, the Court directed Flannery Georgalis, LLC, that if it desired to undertake the representation, to file a motion requesting that the Court permit payment of legal fees, including proposed payment terms. *Id.*

3. On May 30, 2023, the Silver Defendants engaged undersigned counsel to represent them in this action. The following day, the undersigned entered their appearance in this matter, noting their intention to file a motion seeking permission for payment of attorney fees and that their appearance is contingent on the Court authorizing payment of reasonable legal fees by the Receiver. (ECF No. 111.)

4. On June 2, 2023, counsel filed Silver Defendants' Motion to Modify Injunction and Receivership Orders to Permit Payment of Attorney's Fees seeking permission for the Receiver to pay or authorize Mr. Silver to pay his attorney's fees from assets subject to this Court's earlier Agreed Preliminary Injunction and Receivership Orders. That motion further noted "Counsel will be forced to withdraw from this matter if the Court does not grant this motion." (ECF No. 115.)

5. This Court denied that motion on June 21, 2023, without prejudice. (ECF No. 134.)

6. Grounds for withdrawal under Rule 1.16(b) of the Ohio Rules of Professional Conduct exist and professional considerations require termination of the representation.

7. Counsel has provided Silver Defendants with due notice of their intent to terminate the representation and has informed Silver Defendants of all upcoming deadlines and hearings in this matter, including the Contempt Hearing being held on Monday, June 26, 2023, at 1:30 p.m.

For all the foregoing reasons, undersigned counsel and their Firm respectfully request the Court to grant this motion to withdraw from this representation.

Respectfully submitted,



Matthew L. Jalandoni (OH: 0087074)
(Trial Attorney)



W. Benjamin Reese (OH: 0096108)

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*Counsel for Defendants, Brinson C. Silver,
Eclipse Home Design, LLC, and Collateral
Damage, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the represented parties by operation of the Court's electronic filing system. Notice of this filing will be sent to all other parties not represented by counsel via regular U.S. Mail. Parties may access this filing through the Court's system. A copy was also sent by ordinary U.S. Mail, postage prepaid, on June 25, 2023, to the following:

Paige McDaniel
5576 Alexanders Lake Road
Stockbridge, GA 30281

A handwritten signature in black ink, appearing to read "Matthew L. Jalandoni", written over a horizontal line.

Matthew L. Jalandoni

*Counsel for Defendants, Brinson Caleb Silver,
Eclipse Home Design, LLC, and Collateral Damage,
LLC*